

AIRGRAM

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CA-4428

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PRIORITY

HANDLING INDICATOR

TO : Amcongen NASSAU  
 INFO : Amembassy LONDON

FROM : DEPARTMENT OF STATE

DATE:

Oct 23 4 48 PM '64

SUBJECT : Seizure of U.S. Flag Fishing Vessels MISS GALE  
 and FIVE DEES  
 REF : Nassau's A-43, October 16 and telegrams 29 and 30,  
 October 10 and 12 (repeated London by Dept. October 22)

The referenced messages are confusing on the location of the American fishing vessels FIVE DEES and MISS GALE when seized for alleged breach of Bahamas fisheries laws. The locations given, viz.:

- #1) "about 10 miles off Great Isaacs Light",
- #2) "10 miles east of Great Isaacs Cay well within territorial waters",
- #3) "Isaacs Rock Channel, Berry Islands"
- #4) "roughly approximated to be 25 53' N.Latitude, 78 45' W.Longitude",
- #5) "about 10 miles south of East Isaacs",

could be taken as meaning several locations over a fairly large area of the sea. It is not clear which is the most definitive, nor in several instances whether the location given is within or outside the three mile limit. The most precise one (#4) is well outside the three-mile limit as plotted on the Department's chart, but since it is only a rough approximation of the position given by the accused fishermen, it cannot stand by itself as conclusive evidence of the location of the seizure. The other locations are wholly inadequate for purposes of determining whether the seizure occurred within territorial waters or on the high seas. The Department must have more precise information in this

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☐ In☐ Out

FORM 4-62 DS-323

U/FW:WLSullivan:njb 10/23/64

Contents and Classification Approved by:

U/FW - Fred E. Taylor

Clearances:

BNA - Mr. Tepper

L/EUR - Mr. Burman

BNA - Mr. Glazer

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connection if it is to determine whether the rights of American fishermen were violated by the seizure.

In addition to the location of the seizures, since there appears to be some question as to whether the vessels were actually fishing when apprehended, the Department needs to know the location of the alleged attempts to fish or acts of fishing "within Bahamian jurisdiction", if said location is different from the place of the seizure. Also, where spotted if different, and what doing when spotted.

Coordinates are desired if at all possible, and preferably ones which have some official standing. If such information is not included in the charges or trial records, perhaps the log of HMS DECOY would contain such information. If coordinates are obtained, the number and edition of the chart used should be provided. If coordinates cannot be obtained, an official statement as to location is desired, including distance from the nearest land.

The Department is unable to locate "Isaacs Rock Channel, Berry Islands" cited in the charges. The Berry Islands are located over 40 miles from the Isaacs group. Clarification is requested.

The Department would also appreciate any additional information available on the newspaper accounts that a shot was fired by a British sailor (although apparently not at the fishing vessels), that one or two fishing vessels were observed placing pots in the water, that other pots were in the water, and that no lobsters were aboard; also, any evidence to corroborate crew's statement of seeking refuge from rough water.

Moreover, <sup>if</sup> any statements were made by the accused fishermen, and if transcripts of the trial are available, copies of these are desired, as well as information as to whether the fines were actually paid or if bonds to cover same were posted. If bonds, were they later converted to fines?

This information is needed to determine whether a violation of the rights of U.S. fishermen on the high seas has occurred, and if it has, an appropriate course of U.S. action. Inquiries instituted on the basis of this airgram should not be tied in with the representations called for by separate instructions (Deptel 57, October 22, repeated No. 2717 to London) regarding jurisdiction over crawfish.

RUSK